

## REMARKS

The Examiner has rejected the claims for obvious doubling patenting in light of the Comedicus '861 patent to Grabek. Applicant kindly requests reconsideration of the objection based upon amendments to the claim and Applicant indicates that he will file a Terminal Disclaimer upon the indication of allowable subject matter in the case to obviate the objection.

The Examiner also rejects claims 1 and 2 under 35 U.S.C. 102 as anticipated by the Fleischman patent '917. Applicant agrees that the reference teaches a method of closing off the atrial appendage from outside of the heart. However, this is not done with an intact pericardial sack and in fact, this appears to be done without regard to the integrity of the pericardium. In contrast, Applicant's teaching shows both method and apparatus for carrying out a successful capture and treatment of the atrial appendage without significantly disrupting the pericardium. This result was intended with the originally filed claim which has been amended to clarify that the electrosurgery steps take place within the intact pericardium produced earlier in the method.

With regard to claim 10 the snare structure required by the Applicant's claim is not found within the Mirarchi reference which shows only steerable, guidable electrophysiology electrodes operated entirely within the heart.

For these reasons Applicant believes that the claims as amended are allowable.

## CONCLUSION

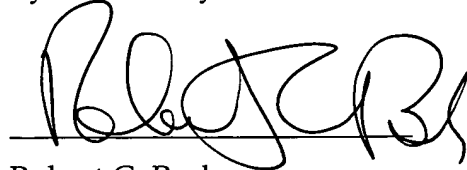
All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,  
COMEDICUS INC.

By its attorneys:

Date: \_\_\_\_\_

6/6/05

A handwritten signature in black ink, appearing to read 'Robert C. Beck', written over a horizontal line.

Robert C. Beck  
Registration No. 28,184  
Beck & Tysver, P.L.L.C.  
2900 Thomas Ave., #100  
Minneapolis, MN 55416  
Telephone: (612) 915-9635  
Fax: (612) 915-9637